IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.565/2007.

MRS. DAISIDA FERNANDES,
27 years of age,
d/o. Caetano J. Fernandes,
House No.447, Sanglem,
Majorda, Salcette, Goa. .. Petitioner

Versus

1. Government of Goa,
Through the Chief Secretary,
Secretariat Porvorim, Goa.

2. Department of Tourism
Government of Goa,
Pato,Panaji, Goa.

3. Dy. Director of Tourism,
Department of Tourism,
Government of Goa. ..Respondents.

WITH

WRIT PETITION NO.566/2007.

Mrs. Daria Dorotea Da Costa,
e- Rodrigues.
46 Years of agew/o. Francis Rodrigues
Houe No.450,
Sanglem, Goa. .. Petitioner

Versus

1. Government of Goa,
Through the Chief Secretary,
Secretariat Porvorim, Goa.
And two others ..Respondents.

WITH

WRIT PETITION NO.567/2007.

Mr. Honorath Saldanha,
53 years of age,
H.No.23, Costa Wado,
Cansaulim,
Salcette, Goa. .. Petitioner

Versus

1. Government of Goa,
Through the Chief Secretary,
Secretariat Porvorim, Goa.
And two others ..Respondents.

WITH

WRIT PETITION NO.568/2007.

Mr. Salvador Baptista,
66 years of age,
R/o.H.No.441,
Sanglem Ward, Majorda,
Goa. .. Petitioner

Versus

1. Government of Goa,
Through the Chief Secretary,
Secretariat Porvorim, Goa.
And two others ..Respondents.

WITH

WRIT PETITION NO.569/2007.

Mr. Inas M.Fernandes,
46 years of age,
H.No.2(507),
Nagvaddo, Betalbatim,
Salcette, Goa. .. Petitioner

Versus

1. Government of Goa,
Through the Chief Secretary,
Secretariat Porvorim, Goa.
And two others. ..Respondents.

Mr. Arun Bras De Sa, Advocate for the petitioners.
Ms. W. Coutinho, Govt. Advocate for the respondents in W.P. Nos. 565/2007, 566/2007 & 567/2007.
Mr. S. Vehidulla, Addl. Govt. Advocate for the respondents in W.P. Nos. 568/2007 & 569/2007.

Coram :- **D. B. BHOSALE &**
N. A. BRITTO,JJ.

Date : - 30th November, 2007.

P.C.

1. Heard learned Counsel on behalf of the petitioner. Learned Govt. Advocate is present and states that the respondents do not wish to file any reply. The Director of Tourism is also present. The petitioners were allotted shacks by draw of lots held on 5.11.2007 for current tourist seasons and they were entitled to set up their respective shacks on the respective beaches on places identified by the respondents. However, it appears that the respondent No.3 has not issued licence to them till date. We see no reason as to why the petitioners should not have been given a licence when they were allotted the shacks by draw of lots by following due process of law.

2. Learned Govt Advocate submits that after the draw of lots in favour of petitioners, certain complaints were received. We are unable to understand what complaints could have been received against them even before they were allowed to put up the shacks allotted to them.

3. The action of the respondent No.3 appears to be wholly arbitrary

which has compelled the petitioners to approach this Court for a grievance which ought to have been redressed as a matter of course.

4. We therefore, direct the respondents to issue to the petitioners the licences they are entitled to, to set up the shacks at their respective places on the respective beaches on or before 5.30 p.m. on 4.12.2007.

5. The petitioners have been compelled to approach this Court at a considerable loss of time and money for which, considering the facts of this case, they are required to be compensated. We direct the respondents to pay to each of the petitioners a sum of Rs.500/-. The sum to be deposited before this Court within a period of 10 days. Learned Counsel on behalf of the petitioners submits that the said amount be credited to the account of the State Legal Services Authority. We order accordingly.

Petitions disposed of with above directions.

Authenticated copy be furnished to the parties.

D. B. BHOSALE, J.

N. A. BRITTO, J.

SMA